

**CALIFORNIA COASTAL COMMISSION**

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December 21, 2000

**Wed 9a**

TO: COMMISSIONERS AND INTERESTED PERSONS

FROM: DEBORAH LEE, SOUTH COAST DEPUTY DIRECTOR  
SHERILYN SARB, DISTRICT MANAGER, SAN DIEGO AREA OFFICE  
DIANA LILLY, COASTAL PROGRAM ANALYST, SAN DIEGO AREA OFFICE

SUBJECT: **STAFF RECOMMENDATION ON CITY OF SAN DIEGO MAJOR LOCAL COASTAL PROGRAM AMENDMENT #4-2000 (CENTRE CITY—NORTH EMBARCADERO OVERLAY DISTRICT)**

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**SYNOPSIS****SUMMARY OF AMENDMENT REQUEST**

The proposed amendment involves changes to the Centre City Community Plan, the Centre City Planned District Ordinance (PDO) and the Marina PDO. The changes to the Centre City Community Plan and PDO include creation of a new "North Embarcadero Overlay District" within the existing Waterfront district. The new overlay, which applies to the area bayward of California Street, will serve as the geographic boundary within which new design guidelines and height limitations will be applied, and where parking maximums will be removed and minimum parking requirements for hotel office, residential, restaurant and retail uses will be established. Other proposed changes include revisions to allowable setbacks and setbacks, the removal of Pacific Highway as a view corridor, and the designation of Ivy Street as a view corridor.

The only change in land use proposed is the addition of "Research and Development Services" and "Wholesaling, Distribution & Storage" as permitted uses in the existing Recreation/Visitor/Marine Land Use District. The amendment also includes minor updates and corrections to the existing plan language.

Only one change is proposed to the Marina PDO; the plan would limit heights on the block between Harbor Drive, G Street, Kettner Boulevard and California Street, to 500 feet. Currently, the height limit on this block is 120 feet with exceptions to the height limit permitted under certain conditions where the height could be increased without any maximum. The proposed change would add an upper limit of 500 feet to the height exception.

The proposed changes to the Centre City Community Plan and PDO are intended to implement the North Embarcadero Visionary Plan. The North Embarcadero Visionary Plan is a result of a coordinated planning effort by the North Embarcadero Alliance, a planning body made up of officials from the Port District, City of San Diego, County of San Diego, Centre City Development Corporation, and U.S. Navy. The Alliance

developed a Visionary Plan in 1998 to guide the development of the North Embarcadero area. While the proposed amendment is intended to implement the Visionary Plan's design concepts and goals, the Visionary Plan itself has not been incorporated into the LCP and would not be the standard of review for coastal development permits issued by the City.

The effect of the proposed amendment will be limited, as the majority of the land in Centre City within the coastal zone, including the land along the waterfront, is not under the coastal permit authority of the City of San Diego. Those areas west of Pacific Highway are within the jurisdiction of the Port of San Diego and are covered by the certified Port Master Plan. A limited area is within the federal government's jurisdiction (Broadway Complex and Navy Pier), and the County Administration Center was excluded from the City's LCP and remains within the coastal permit jurisdiction of the Commission. Thus, the only area within the City's permit jurisdiction covered by the subject LCPA is the one to two-block wide, approximately 2 mile long area bounded by Harbor Drive on the south, Pacific Highway on the west, Laurel Street to the north, and Kettner Boulevard to the east as far north as Ash Street, and then California Street north of Ash Street (see Exhibit 1).

Although the City's coastal permit jurisdiction covers only a few blocks, the entire waterfront is shown in the City's LCP and given land use designations for planning purposes. Port Master Plan Amendment (PMPA) #27, which proposes redevelopment of the North Embarcadero area, has been scheduled on the same agenda as the subject LCPA. The subject LCPA is intended to update the City's LCP consistent with the proposed Port Master Plan Amendment #27.

### **SUMMARY OF STAFF RECOMMENDATION**

Staff is recommending denial of the Community Plan and PDOs as submitted, then approval with suggested modifications. The amendment is generally consistent with the goals of the coastal act regarding the protection of public views and public access and recreation. However, suggested modifications have been added to ensure the amendment is consistent with the proposed Port Master Plan Amendment #27 (which is the standard of review for the majority of the North Embarcadero Overlay District), with the existing Marina PDO, and with the Commission's previous action on the County Administration Center. Language has been added to the Community Plan that indicates that the removal of any parking on Navy Pier and the conversion of the Pier to a Memorial Park is a goal for the North Embarcadero District. Other suggested modifications revise the proposed changes to building setbacks to ensure scenic view corridors are protected, and to maintain Pacific Highway as a designated view corridor. Finally, one suggested modification has been added to remove "Research & Development" services as a permitted use in the Recreation/Visitor/Marine land use district, to ensure that visitor-serving uses remain a priority in the North Embarcadero Overlay District.

The appropriate resolutions and motions begin on page 4. The suggested modifications begin on page 7. The findings for denial of the Land Use Plan Amendment as submitted begin on page 10. The findings for approval of the plan, if modified, begin on page 16. The findings for denial of the Implementation Plan Amendment as submitted begin on page 18. The findings for approval of the plan, if modified, begin on page 21.

### **ADDITIONAL INFORMATION**

Further information on the City of San Diego LCP amendment 4-2000 may be obtained from Diana Lilly, Coastal Planner, at (619) 767-2370.

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## **PART I. OVERVIEW**

### **A. LCP HISTORY**

The City of San Diego has a long history of involvement with the community planning process; as a result, in 1977, the City requested that the Coastal Commission permit segmentation of its Land Use Plan (LUP) into twelve parts in order to have the LCP process conform, to the maximum extent feasible, with the City's various community plan boundaries. In the intervening years, the City has intermittently submitted all of its LUP segments, which are all presently certified, in whole or in part. The earliest LUP approval occurred in May 1979, with others occurring in 1988, in concert with the implementation plan. The final segment, Mission Bay Park, was certified in November 1996.

When the Commission approved segmentation of the LUP, it found that the implementation phase of the City's LCP would represent a single unifying element. This was achieved in January 1988, and the City of San Diego assumed permit authority on October 17, 1988 for the majority of its coastal zone. Several isolated areas of deferred certification remained at that time; some of these have been certified since through the LCP amendment process. Other areas of deferred certification remain today and are completing planning at a local level; they will be acted on by the Coastal Commission in the future.

Since effective certification of the City's LCP, there have been numerous major and minor amendments processed. These have included everything from land use revisions in several segments, to the rezoning of single properties, and to modifications of citywide ordinances. While it is difficult to calculate the number of land use plan revisions or implementation plan modifications, because the amendments often involve multiple changes to a single land use plan segment or ordinance, the Commission has reviewed a significant number of both land use plan revisions and ordinance amendments. Most amendment requests have been approved, some as submitted and some with suggested modifications; further details can be obtained from the previous staff reports and findings on specific amendment requests.

**B. STANDARD OF REVIEW**

The standard of review for land use plans, or their amendments, is found in Section 30512 of the Coastal Act. This section requires the Commission to certify an LUP or LUP amendment if it finds that it meets the requirements of Chapter 3 of the Coastal Act. Specifically, it states:

Section 30512

(c) The Commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200). Except as provided in paragraph (1) of subdivision (a), a decision to certify shall require a majority vote of the appointed membership of the Commission.

Pursuant to Section 30513 of the Coastal Act, the Commission may only reject zoning ordinances or other implementing actions, as well as their amendments, on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. The Commission shall take action by a majority vote of the Commissioners present.

**C. PUBLIC PARTICIPATION**

The City has held Planning Commission and City Council meetings with regard to the subject amendment request. All of those local hearings were duly noticed to the public. Notice of the subject amendment has been distributed to all known interested parties.

**PART II. LOCAL COASTAL PROGRAM SUBMITTAL - RESOLUTIONS**

Following a public hearing, staff recommends the Commission adopt the following resolutions and findings. The appropriate motion to introduce the resolution and a staff recommendation are provided just prior to each resolution.

**I. Land Use Plan Denial as Submitted**

**MOTION:**        *I move that the Commission certify the Land Use Plan for the City of San Diego LCPA #4-2000 as submitted by the City of San Diego.*

**STAFF RECOMMENDATION OF DENIAL:**

Staff recommends a **NO** vote. Failure of this motion will result in denial of the land use plan as submitted and adoption of the following resolution. The motion to certify as submitted passes only upon an affirmative vote of a majority of the appointed Commissioners.

**RESOLUTION TO DENY CERTIFICATION OF THE LAND USE PLAN AS SUBMITTED:**

The Commission hereby denies certification of the Land Use Plan submitted for the City of San Diego LCPA #4-2000 and adopts the findings set forth below on grounds that the land use plan as submitted does not meet the requirements of and is not in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan would not meet the requirements of the California Environmental Quality Act, as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the land use plan as submitted.

**II. Land Use Plan Certification with Suggested Modifications**

**MOTION:**        *I move that the Commission certify the Land Use Plan for City of San Diego LCPA #4-2000 as submitted by the City of San Diego if modified as suggested in this staff report.*

**STAFF RECOMMENDATION TO CERTIFY IF MODIFIED:**

Staff recommends a **YES** vote. Passage of this motion will result in certification of the land use plan with suggested modifications and adoption of the following resolution and findings. The motion to certify with suggested modifications passes only upon an affirmative vote of a majority of the appointed Commissioners.

**RESOLUTION TO CERTIFY THE LAND USE PLAN WITH SUGGESTED MODIFICATIONS:**

The Commission hereby certifies the Land Use Plan for the City of San Diego LCPA #4-2000 if modified as suggested and adopts the findings set forth below on grounds that the land use plan with the suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan if modified as suggested complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the land use plan if modified.

### **III. Implementation Plan Denial as Submitted**

**MOTION III:** *I move that the Commission reject the Implementation Program for the City of San Diego LCPA #4-2000 as submitted.*

#### **STAFF RECOMMENDATION OF REJECTION:**

Staff recommends a **YES** vote. Passage of this motion will result in rejection of Implementation Program and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

#### **RESOLUTION TO DENY CERTIFICATION OF THE IMPLEMENTATION PROGRAM AS SUBMITTED:**

The Commission hereby denies certification of the Implementation Program submitted for the City of San Diego LCPA #4-2000 and adopts the findings set forth below on grounds that the Implementation Program as submitted does not meet the requirements of and is not in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the Implementation Program would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Program as submitted.

### **IV. Implementation Plan Certification with Suggested Modifications**

**MOTION IV:** *I move that the Commission certify the Implementation Program for the City of San Diego LCPA #4-2000 if it is modified as suggested in this staff report.*

#### **STAFF RECOMMENDATION:**

Staff recommends a **YES** vote. Passage of this motion will result in certification of the Implementation Program with suggested modifications and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

#### **RESOLUTION TO CERTIFY THE IMPLEMENTATION PROGRAM WITH SUGGESTED MODIFICATIONS:**

The Commission hereby certifies the Implementation Program for the City of San Diego LCPA #4-2000 if modified as suggested and adopts the findings set forth below on grounds that the Implementation Program with the suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the Implementation Program if modified as suggested complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse

effects of the Implementation Program on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

### **PART III. SUGGESTED MODIFICATIONS**

Staff recommends the following suggested revisions to the proposed LCP Amendment be adopted. The underlined sections represent language that the Commission suggests be added, and the ~~struck-out~~ sections represent language that the Commission suggests be deleted from the language as originally submitted.

#### **In the Centre City Community Plan:**

1. Within the proposed **NORTH EMBARCADERO OVERLAY DISTRICT**, the following revisions shall be made to the second paragraph under the section titled *Places & Destinations*:

Broadway Landing – Broadway Landing is intended to be one of San Diego's most important civic spaces, commanding a prominent position at the foot of Broadway. Framed by the active edges of B Street, Broadway and Navy Piers, Broadway Landing is an expansive public space ~~that reaches from the grand oval-shaped landscaped park on the Bayfront Esplanade out over the water~~. Broadway Landing is envisioned to include a public boardwalk lined with outdoor cafés, kiosks, and cultural attractions.

2. Within the proposed **NORTH EMBARCADERO OVERLAY DISTRICT**, the following revisions shall be made to the section titled *Navy Broadway Complex*:

#### *Navy Broadway Complex*

Situated on the waterfront of San Diego Bay, between Broadway and Market Street and Pacific Highway and Harbor Drive, the Navy Broadway Complex includes approximately 15 acres of downtown's most unique and sensitive real estate.

The Navy Broadway Complex functions as the headquarters for the Naval Supply Center, San Diego; the Commander, Naval Base, San Diego; as well as several other activities. The Complex consists of approximately 400,000 square feet of administrative offices and 600,000 sq.ft. of warehouse uses most of which were constructed between 1921 and 1944.

In 1982, the Navy reviewed a plan to provide a centralized, upgraded, and efficient administrative facility for many Navy installations in the San Diego area. This regional facility would require approximately one million square feet of Navy office space.

The Navy Broadway Complex site was selected to serve as this administrative facility because of its central location, available land area, location to the Navy Pier

(which will continue to operate a key military asset), and existing land constraints on area Navy operational bases.

The redevelopment program includes up to one million square feet of commercial, office, hotel and retail uses. Development of the Navy Broadway Complex is an important component of the development of the North Embarcadero District. Every effort should be made to conform to the guidelines and goals established in the plans for this district.

The Port Master Plan may allow for the docking of the aircraft carrier Midway on the south side of the Navy Pier to operate as a museum. Interim parking for the Midway may be located on Navy Pier; however, the ultimate goal for the area is to relocate any parking on the Pier to inland of Harbor Drive and convert the Pier into a public memorial park associated with the Midway museum. Relocation of the parking and conversion of the park should occur as part of the Navy's plan to vacate its use of Navy Pier prior to or concurrent with the redevelopment of the Navy Broadway Complex.

3. Figure 19, **VIEW CORRIDOR STREETS**, shall be revised to graphically depict Pacific Highway as a View Corridor Street from Date Street south to Pacific Highway's terminus (as shown on the existing Figure 19).
4. The **VIEW CORRIDOR** Exhibit that includes stepbacks and stepback elevations shall be revised as follows:

<b><u>STREET</u></b>	<b><u>STEPBACK</u></b>	<b><u>STEPBACK ELEVATION</u></b>
Ash – west of California	15' 25'	30'-50'
A – west of California	15' 25'	30'-50'
B – west of California	15' 25'	30'-50'

**In the Centre City Planned District Ordinance:**

5. Section 103.1903 Boundaries and Applicable Districts shall be revised as follows:

This Division applies to all property located in the Centre City Community Planning Area shown in Figure 1 of Chapter X, Article 3, Division 19, except for lands within the jurisdiction of the San Diego Unified Port District which are subject to the provisions of the San Diego Port District Act, the Tidelands Trust and the California Coastal Act of 1976, the Navy Broadway Complex, the County Administration Center property (~~except in the case of private use of the property~~), and land within the jurisdiction of the Gaslamp Quarter Planned District Ordinance and Marina Planned District Ordinance codified in the San Diego Municipal Code as Chapter X, Article 3 Division 4 et seq., and Chapter X, Division 20 et seq., respectively.

6. Figure 1, **Centre City Planned District Boundary**, the legend for the County Administration Center shall be revised as follows:

~~Private Use of County Administration Center is subject to the PDO~~ (LCP Deferred Certification Area)

7. The proposed Figure 4, **Building Height-North Embarcadero**, shall be revised as follows:

The figure shall be revised to eliminate any height limits on lands not within the City of San Diego's coastal permit jurisdiction; that is, any area west of Pacific Highway.

8. The proposed Figure 9, **Waterfront District**, shall be corrected to include a graphic depiction of both the Waterfront District, as shown on the existing Waterfront District figure, and the new North Embarcadero Overlay District (as proposed).
9. Table II of Section 103.1915 **VIEW CORRIDORS**, shall be revised as follows to increase the stepback on C Street west of California:

<b>STREET</b>	<b>STEPBACK</b>	<b>STEPBACK ELEVATION</b>
C	15'	50'
C – west of California	25'	50'

10. Table IV of Section 103.1925 **LAND USE CLASSIFICATIONS PERMITTED BY LAND USE DISTRICTS**, shall be revised as follows:

Under LAND USE CLASSIFICATIONS, **D. COMMERCIAL SERVICES**, the proposed "X" indicating that Research and Development Services is a "Permitted" use in the Recreation/Visitor/Marine Land Use District shall be deleted and the use shall remain designated a "Not Permitted" use.

**In the Marina Planned District Ordinance:**

11. After Section 103.2012(B)(2)(b)(1)(c) **Property Development Regulations**, Exceptions to Height Limits, the following Section (d) shall be added as follows:

(c) Heights designated one hundred twenty (120) feet or greater as illustrated in Figure 3 may be increased within a maximum height. Heights for buildings on the block bounded by Harbor Drive, G Street, Kettner and California Streets shall not exceed 500 feet.

(d) However, in no case shall exceptions to height limits exceed the heights shown on Figure 4, "Building Height—North Embarcadero" in the Centre City Planned District Ordinance.

#### **PART IV. FINDINGS FOR DENIAL OF CERTIFICATION OF THE CITY OF SAN DIEGO LAND USE PLAN AMENDMENT, AS SUBMITTED**

##### **A. AMENDMENT DESCRIPTION**

The proposed amendment is intended to implement the North Embarcadero Visionary Plan by making a number of changes to the Centre City Community Plan. Most of the changes to the Community Plan consist of replacing the existing exhibits in the plan with identical exhibits changing only the graphical representation of the waterfront area to show the proposed removal of three existing industrial piers and their replacement with a new public pier at Grape Street. This graphic change is consistent with the proposed Port Master Plan Amendment (PMPA) #27, which is being reviewed concurrently with the subject amendment by the Commission.

The area that is under the City's coastal permit jurisdiction is quite limited, consisting of the blocks bounded by Harbor Drive on the south, Pacific Highway on the west, Laurel Street on the north, and to the east, Kettner Boulevard as far north as Ash Street, and then California Street north of Ash Street (see Exhibit 1). However, for planning purposes, the entire waterfront is included in the City's LCP and given land use designations.

The amendment would create a new North Embarcadero Overlay that would be applied to the area west of California Street between Harbor Drive and Laurel Street. The overlay would cover almost the area of Centre City that is within the coastal zone. The proposed Figure 9 of the PDO shows the North Embarcadero Overlay District.

The proposed North Embarcadero Overlay District section in the Community Plan contains a general description of the area as envisioned in the North Embarcadero Visionary Plan. The proposed language contains goals for the development of the area including stepping down development intensity as development approaches the County Administration Center and San Diego Bay, promoting a mix of hotel, office, retail and entertainment uses throughout the North Embarcadero, establishment of a Bayfront Esplanade and creation of an oval-shaped landscaped park reaching out over the water at Broadway Landing.

Other language in the proposed Overlay District establishes that Development surrounding the County Administration Center should compliment this landmark structure, that North Harbor Drive should be more pedestrian oriented, and traffic concentrated on Pacific Highway. Most of this language refers to areas that are within the Port's jurisdiction, and these goals are consistent with the proposed PMPA #27. The plan also establishes design guidelines, with the number of lanes, sidewalk widths, etc., for Pacific Highway, North Harbor Drive, Broadway, and east-west streets in the North Embarcadero. These specific descriptions are intended to replace the more general

Figure 10, HIERARCHY OF STREETS exhibit in the existing Centre City Community Plan, which contains such designations as "District Center Streets" and "Crosstown Links", but as proposed, these designations would be removed from all streets within the North Embarcadero Overlay. The proposed language is generally consistent with the existing designations and does not remove any public access or visual protections currently provided by the existing plan.

The plan would also make several changes to the existing View Corridor Streets shown on Figure 19. Ivy Street would be added as a View Corridor Street, and Pacific Highway is proposed to be removed as a view corridor. Designated view corridor streets are afforded special "stepback" protection to ensure that views from and along these streets are maintained. The plan would alter the required View Corridor Stepbacks for several streets west of California Street, including Juniper, Hawthorn, Grape, Cedar, Ash, A, B, C, Broadway (both east and west of Kettner), E, F, and G.

As defined in the Centre City PDO, a "stepback" means "a separation between a specified plane or line (such as a property line) and structural or building elements." In practical terms, the stepback requirement involves both a particular distance which a building must be set back from the street, and a stepback elevation where the set back must begin. For example, a 25-foot stepback at a 50-foot elevation means that the portion of the building above 50 feet in height is required to be set back 25 feet from the street. A "ground-level" stepback, is what is more commonly known as a building setback—the distance the entire building must be set back from the street. The intent of stepbacks is to provide visual relief from tall, monolithic structures that go straight up from street level. Stepbacks provide a varied street appearance and open up views along the street corridors. In general, the larger the stepback, and the lower the elevation of the stepback, the less bulky the building will be and the greater the view protection.

The changes in the Community Plan would allow stepbacks west of California at Ash, A, B, F, and G to be reduced from 25 feet to 15 feet, and would change the required stepback elevation from 50 feet to a range from 30 feet to 50 feet. The required stepbacks at C Street would be increased from 15 to 25 feet, also with a 30 to 50 foot stepback elevation allowed, instead of just 50 feet. Stepback elevations west of California at Juniper, Hawthorn, Grape, and E would also change from a required 50-foot elevation to a range 30 to 50 feet. (See Exhibit #5 for entire list of changes). In summary, the amendment generally requires a reduction in the amount of stepback, but allows the stepback to take place at a lower elevation. However, it is important to note that the stepback changes in the Community Plan are not fully consistent with the requirements of the PDO, and this is discussed in greater detail below, under the Land Use Plan findings for denial.

Other minor changes, updates, and clarifications to the plan language can be seen in the attached Exhibit #3.

**B. CONFORMANCE WITH SECTION 30001.5 OF THE COASTAL ACT**

The Commission finds, pursuant to Section 30512.2(b) of the Coastal Act, that portions of the Land Use Plan as set forth in the preceding resolutions, are not in conformance with the policies and requirements of Chapter 3 of the Coastal Act to the extent necessary to achieve the basic state goals specified in Section 30001.5 of the Coastal Act which states:

The legislature further finds and declares that the basic goals of the state for the Coastal Zone are to:

- a) Protect, maintain and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and manmade resources.
- b) Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.
- c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resource conservation principles and constitutionally protected rights or private property owners.
- (d) Assure priority for coastal-dependent and coastal-related development over other development on the coast.
- (e) Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone.

The Commission therefore finds, for the specific reasons detailed below, that the land use plan does not conform with Chapter 3 of the Coastal Act or the goals of the state for the coastal zone.

**C. NONCONFORMITY OF THE CENTRE CITY COMMUNITY PLAN WITH CHAPTER 3**

The Chapter 3 policies most applicable to this planning area are as follows, and state, in part:

Section 30210.

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211.

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212.

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

(1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,

(2) adequate access exists nearby, or,

[...]

Section 30213.

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Section 30231

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30251.

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas....

Section 30252.

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings.

In general, the amendment is consistent with the goals of the Coastal Act regarding the promotion of public access and recreational opportunities. Most of the area involved in the North Embarcadero Overlay District is actually within the Port of San Diego's jurisdiction, and the plan is also generally consistent with the proposed Port Master Plan Amendment (PMPA) #27 being reviewed by the Commission at the same hearing as the subject LCP amendment.

However, the Port District has removed any reference in its PMPA to a landscaped park that extends out over the water at Broadway Landing. The Port has determined that the project has not undergone sufficient planning and environmental review to go forward at this time. Thus, the Centre City Community Plan amendment as submitted includes a project that has not received adequate environmental review (e.g. a review of filling or shading impacts, mitigation, etc.), and is inconsistent with the proposed Port Master Plan (which is the standard of review at Broadway Landing).

The existing Community Plan contains language describing the future development at the Navy Broadway Complex. This 15-acre site, located between Broadway and Market Street and Pacific Highway and Harbor Drive is currently operated by the Navy and functions as the headquarters for the Naval Supply Center. However, the site is planned for redevelopment with commercial, office, hotel and retail uses.

The Broadway Complex site is located on the inland side of Harbor Drive, across from Navy Pier. The Port District is proposing to dock the U.S.S. Midway at Navy Pier for use as an aircraft carrier museum. Parking for the Midway would be located on Navy Pier until such time the parking can be relocated and the Pier turned into a memorial park. Representatives of the Midway have indicated that this conversion would most likely occur when the Broadway Complex is redeveloped.

The Midway development is reviewed in detail in the Commission's review of PMPA#27; however, in brief, the carrier is expected to have a significant adverse impact on public views protected under the Coastal Act. These impacts could be mitigated by creation of a public park at Navy Pier and relocation of the parking. However, the City's Community Plan does not contain any policy language supporting the conversion of Navy Pier to a park or relocation of the Midway parking. Thus, as submitted, the Community Plan does not protect and preserve public views, public access and recreational opportunities consistent with the requirements of the Coastal Act.

The proposed amendment includes the removal of Pacific Highway as a view corridor. The intent of both the proposed LCPA and the proposed PMPA #27 is to shift traffic from Harbor Drive onto Pacific Highway. Harbor Drive will become a narrower, more pedestrian-oriented street, while Pacific Highway will be the main thoroughfare for moving traffic alongside downtown and the waterfront. The removal of Pacific Highway as a view corridor would reduce or eliminate various setback and setback requirements, and the view protection policies in the LCP, to reflect the more intense nature proposed for the street.

The ocean and bay views from Pacific Highway are via the cross-streets to leading the water perpendicular to the Pacific Highway, which will remain designated view corridors. Nevertheless, Pacific Highway will remain a major coastal accessway, and in fact, will support more traffic than it currently does. The Commission has traditionally designated major coastal access routes as view corridors even if direct water views are not available down the corridor, because of the value of maintaining a relatively open and uncluttered viewshed on these heavily used coastal accessways. For example, Interstate 5 is designated as a scenic corridor in many coastal cities, although water views are limited from Interstate 5.

Very little of downtown San Diego is within the Coastal Zone, but those streets that are major coastal accessways should be afforded the protection of the view corridor designation. Pacific Highway, in particular, is the southernmost stretch of the Pacific Coast Highway that runs the length of much of California. While hardly the narrow, scenic corridor that PCH is in northern California, Pacific Highway will still be the street most people travel along the bayfront in downtown. Thus, removal of Pacific Highway as a view corridor is not consistent with the visual protection policies of the Coastal Act.

As described above, the Community Plan would be revised to reduce the required setback distance from 25 feet to 15 feet on several designated view corridor streets west of California Street, including Ash Street, A, B, F, and G Streets. The revisions would also allow the setbacks to occur at any elevation from 30 feet to 50 feet, instead of the 50 feet required in the existing plan. California is located one block inland from Pacific Highway, and thus, the revised setbacks would effect view corridors in the Coastal Zone and towards the water.

However, the City is not proposing to concurrently change the requirement in the existing Centre City Planned District Ordinance that Ash Street, A, and B Street provide a 25-foot setback (the proposed changes to F and G Streets are discussed below under Findings for the PDO). Thus, the requirements of the existing PDO would conflict with the proposed changes to the Community Plan. The purpose of a PDO (or implementation ordinance) is to implement the goals and policies contained in the Community Plan (or land use plan). Thus, the PDO can be more specific or stricter than the general guidelines for development outlined in the Community Plan, but the Community Plan and PDO cannot conflict. The City has indicated that the PDO is the governing standard for development. Yet as proposed, the changes in the Community Plan to require a 15-foot setback would conflict with the PDO's requirements for a 25-foot setback.

A reduction in the setback requirements for view corridors would allow for bulkier buildings and a reduction in the viewshed along the street. The proposed amendment would *allow* the required setback elevation to be provided at a lower elevation (to anywhere from 30 to 50 feet in height), which could offset the potential view blockage, but the amendment does not *require* that the setback elevation be lowered. Thus, the proposed change has the potential to impact public views, inconsistent with the visual quality policies of the Chapter 3 of the Coastal Act. The proposed amendment would also create a conflict between the requirements of the Community Plan and the PDO. Therefore, the amendment cannot be found consistent with the Chapter 3 policies of the Coastal Act.

**PART V. FINDINGS FOR APPROVAL OF THE CITY OF SAN DIEGO LAND USE PLAN, IF MODIFIED**

**A. SUMMARY FINDING/CONFORMANCE WITH SECTION 30001.5 OF THE COASTAL ACT**

The Commission finds that the proposed Land Use Plan amendment for the City of San Diego LCP is approvable, if modified. These modifications are addressed in detail below. The Commission therefore finds the amendment, as recommended for modification, would be consistent with applicable Chapter 3 policies to the extent necessary to achieve the statewide goals as set forth in Section 30001.5 of the Act, as previously cited.

**B. SPECIFIC FINDINGS FOR APPROVAL**

Because the plan is largely consistent with the Coastal Act, only several modifications are required. Suggested Modification #1 eliminates the reference to a landscaped park located out over the water at Broadway Landing. This project has been removed from the proposed PMPA #27 and removing it from the Community Plan will ensure the plan is consistent with the Port Master Plan and the resource protection policies of the Coastal Act.

Suggested Modification #2 adds language to the plan regarding the U.S.S. Midway aircraft carrier museum, the future conversion of Navy Pier to a public memorial park, and the relocation of the Midway parking from the pier to a nearby location. The Commission can only find docking the Midway at Navy Pier consistent with the Coastal Act if there is some assurance that Navy Pier will be opened for public use to offset the visual and access impacts of the Midway. Thus, the modification adds language indicating that a goal for the area is that prior to or concurrent with the redevelopment of the Navy Broadway Complex, the Midway parking be relocated, and Navy Pier developed as a park. Only as modified to add this goal can the Commission find the plan consistent with the visual, public access, and recreation policies of the Coastal Act.

Suggested Modification #3 eliminates the City's proposal to remove Pacific Highway as a designated view corridor in the Community Plan. Pacific Highway is currently a major coastal access route. As a result of the proposed amendment and the proposed PMPA #27, even greater amounts of traffic will be diverted onto Pacific Highway. Thus, it is particularly important that the visual quality of Pacific Highway be preserved. As modified to retain the view corridor designation for Pacific Highway, the Commission finds the plan consistent with visual protection policies of the Coastal Act.

The amendment to the Community Plan would reduce the required setback distance from 25 feet to 15 feet on several designated view corridor streets west of California Street, including Ash Street, A, B, F, and G Streets. The revisions would also *allow* the setbacks to occur at any elevation from 30 feet to 50 feet, instead of the 50 feet required in the existing plan. But a 50-foot setback elevation would still be permitted. Thus, as proposed, the reductions in the setback requirements would allow for bulkier buildings and a reduction in the quality of viewshed along view corridors streets.

In addition, the City is not proposing to similarly change the requirement in the existing Centre City Planned District Ordinance that Ash Street, A, and B Street have a 15-foot setback, but is proposing to keep the 25-foot setback requirement. Thus, the requirements of the existing PDO would be in conflict with the proposed changes to the Community Plan. The PDO is the controlling standard for development. Therefore, Suggested Modification #4 changes the view corridor setbacks on Ash, A, and B Streets west of California from the proposed 15 feet back to 25 feet, consistent with the existing certified PDO.

The proposed setback reductions on F and G Streets can be found consistent with the Coastal Act, because the proposed PDO amendment requires that the setback elevation on these streets be reduced to 30 feet. Thus, although the width of the setback will be reduced, the setback will occur at a lower elevation, which should offset any potential increase in bulk. The proposed increase in the setback at C Street west of California from 15 to 25 feet, can be found consistent with the Coastal Act, as it will increase view protection. (However, to ensure the PDO requirements are consistent with this change, a similar modification to the PDO is required, which has been added as Suggested Modification #9 and is discussed in detail below). The proposed revisions to setbacks on Broadway would be consistent with the existing and proposed PDO. Therefore, the amendment can be found consistent with the Chapter 3 policies of the Coastal Act.

The remaining portion of the amendment is consistent with the Coastal Act as submitted. The new North Embarcadero Overlay District contains language providing for height and building intensity to "step down" as development approaches the County Administration Center and San Diego Bay. Public access, public recreation, pedestrian orientation of streets along the waterfront, the protection of the scenic and historic County Administration Center, minimizing view blockage, and locating parking lots away from the water's edge, are emphasized, consistent with the view protection, public access and recreation policies of the Coastal Act.

As noted, the proposed amendment does involve directing additional traffic onto Pacific Highway. Although the subject amendment itself would not alter the amount, type, or intensity of development in the North Embarcadero area, combined with the new development that is proposed in the PMPA #27, a substantial increase in traffic in the area is expected. Short-range traffic projections done for the Visionary Plan project indicate that the proposed improvements to Harbor Drive, Pacific Highway and the North Embarcadero area will adequately accommodate the increased traffic which will be diverted onto Pacific Highway, without an adverse impact on public access. Long-range traffic projections done for the North Embarcadero redevelopment assumed that direct airport access would be available to I-5 at a point between Washington Street and Old Town Avenue. Without this assumption, the volumes along Laurel Street, Grape Street, Hawthorn Street and North Harbor Drive would be much greater. The short-term traffic projections are not affected by this assumption. If this airport connection is not approved, the Port District and the City of San Diego will have to revisit traffic and circulation issues in the North Embarcadero area. With the proposed narrowing of Harbor Drive, Pacific Highway will become the most attractive commuter alternative between downtown and the airport, not Harbor Drive, which is appropriate and consistent with the public access and recreation policies of Chapter 3 of the Coastal Act, regardless of the airport access to I-5.

**PART VI. FINDINGS FOR REJECTION OF THE CITY OF SAN DIEGO LCP IMPLEMENTATION PLAN AMENDMENT, (CENTRE CITY AND MARINA PDOs) AS SUBMITTED**

**A. AMENDMENT DESCRIPTION**

Centre City Planned District Ordinance

The proposed PDO amendment implements the Centre City Community Plan, which is intended to implement the North Embarcadero Visionary Plan. As with the Community Plan, the graphic figures in the PDO would be updated to reflect changes in the appearance of the waterfront resulting from the proposed PMPA #27.

The amendment would create a new North Embarcadero Overlay District that would be applied to the area west of California Street between Harbor Drive and Laurel Street. The proposed Figure 9 of the PDO shows the North Embarcadero Overlay District. However, the exhibit was supposed to show both the existing Waterfront District and the new North Embarcadero Overlay, but a printing error deleted the shading showing the Waterfront District. Suggested Modification #3 would correct the figure to show the boundaries of the Waterfront District (as shown on the current figure), and the proposed boundaries of the new North Embarcadero Overlay District.

The PDO also involves changes to View Corridor Stepbacks. Exhibit #11 shows that the required stepback on Broadway west of Kettner would be reduced from 50 feet to 40 feet. On F and G Streets, west of California, stepbacks would be reduced from 25 feet to 15 feet, but the required stepback elevation would be lowered from 50 feet to 30 feet. On E

Street, west of California, the required stepback elevation would also be lowered from 50 to 30 feet. As noted above, these changes are not identical to the proposed stepback changes in the Community Plan. For example, in the PDO, there is no range of stepback elevations permitted. The Ash, A, and B Street stepbacks would stay at 25 feet in the PDO, not be reduced to 15 feet, and the C Street stepback would remain at 15 feet in the PDO, not increased to 25 feet. However, the standards in the PDO would be controlling.

The PDO also includes changes to the existing parking requirements for the North Embarcadero Overlay District. The existing PDO contains parking maximums. For example, hotels and motels are permitted to provide no more than 0.7 parking spaces per room and restaurants can provide only up to 5 spaces per 1,000 sq.ft. of lot area. The proposed amendment would establish the following parking minimums for the North Embarcadero Overlay District only:

Office – 2 spaces/1000 square feet

Hotel – .5 spaces/room

Retail – 2.5 spaces/1000 square feet

Residential – 1 space/per bedroom. No more than 2 spaces per unit will be required.

Restaurant – 5 spaces/1000 square feet

However, the proposed language also states that if the City's adopted "Shared Parking Requirements" would require less parking, then those standards would apply.

The amendment would add a new Building Height-North Embarcadero as Figure 4 to the PDO. The figure includes proposed height maximums for the North Embarcadero. However, as proposed, the figure is not entirely consistent with the proposed heights contained in the proposed PMPA #27 for the area within the Port's jurisdiction. To resolve the inconsistency, the City has agreed it would be appropriate to remove the proposed height designations from all of the locations that are not within the City's coastal permit jurisdiction.

The proposed new height limits that would remain would cover approximately ten blocks in both the Centre City and Marina PDO. Currently, there are no height limits in the Centre City PDO, only Floor Area Ratios, which are not proposed to be changed with the subject amendment. There are existing height limits designated for the four affected blocks located within in the Marina PDO. The proposed height limits would not allow any greater heights than those currently allowed under the existing Marina PDO height limits.

The amendment would also add two permitted uses to the existing Land Use District "Recreation/Visitor/Marine". The new permitted uses are "Research & Development Services" and "Wholesaling, Distribution & Storage."

### Marina Planned District Ordinance

Only one change is proposed for the Marina PDO. One sentence would be added to Section 103.2012(B)(2)(b)(1)(c) stating that the heights for buildings on the block bounded by Harbor Drive, G Street, Kettner and California Streets shall not exceed 500 feet. Currently, the height limits on this block is 120 feet with an exception in the existing plan that under certain conditions, the height at that location can be increased without any maximum. The proposed change would put an upper limit of 500 feet to the height exception.

### **B. SPECIFIC FINDINGS FOR REJECTION**

The standard of review for LCP implementation submittals or amendments is their consistency with and ability to carry out the provisions of the certified LUP.

The majority of the proposed amendment to the Centre City PDO and Marina PDO is consistent with the policies of the Coastal Act. The plan is largely consistent with the proposed PMPA #27, which if certified by the Commission, will be the standard of review for the majority of the North Embarcadero area.

The proposed PDO contains two references to the standard of review for development at the County Administration Center that do not accurately reflect the status of the certified LCP. Both the proposed Section 103.1903 and Figure 1, Centre City Planned District Boundary in the PDO contain language implying that private development at the location of the County Administration Center would be subject to the provisions of the PDO. However, in January 1988, the Commission certified the Centre City/Pacific Highway Corridor segment of the City's Land Use Plan. At this time, the Commission deferred certification of the County Administration Center, finding that the zoning proposed for the area at the time (Central Business District), was not consistent with the certified Land Use Plan. The Commission also noted that there are jurisdictional questions raised about the City and County planning and regulatory roles on this site that support deferred action and further study. Thus, the area was excluded from the certified LCP, and remains in the Commission's jurisdiction, subject to the Chapter 3 policies of the Coastal Act, not the PDO. Therefore, the language in the proposed PDO amendment is not accurate and cannot adequately implement the certified Land Use Plan.

The amendment involves a number of changes to the required setbacks on designated view corridors. In general, these changes would be consistent with and would implement the view protection policies of the Community Plan. The PDO is generally stricter than the proposed Community Plan with regard to setback elevations, but is consistent with the Community Plan with one exception. The proposed amendment to the Community Plan would increase the required setback on C Street west of California from 15 feet to 25 feet. The City has not proposed making this same revision to the PDO, which would still require a 15-foot setback in this location. Thus, in this case, the PDO as submitted, would not be adequate to implement the provisions of the Community Plan, and the amendment must be denied.

The PDO involves two changes to allowable uses in the North Embarcadero Overlay District. "Research & Development Services" and "Wholesaling, Distribution & Storage" would be added as allowable uses in the "Recreation/Visitor/Marine" Land Use District. Although only a very small area of the Recreation/Visitor/Marine Land Use District is actually within the City's coastal permit jurisdiction, the designation is applied to the entire downtown waterfront area. Research and development services could allow a wide range of office type uses not typically permitted in visitor-serving designated areas, which are reserved for uses such as public areas, restaurant, overnight accommodations, and other visitor oriented development. Visitor-serving uses are one of the highest-priority uses in the Coastal Act, thus, allowing office type uses in a visitor-serving designated area would set a significant adverse precedent, and would not be consistent with the policies of the Community Plan promoting tourism and visitor uses. Therefore, the amendment must be denied as submitted.

The new height limits proposed in the PDO would affect four blocks in the Marina PDO which do currently have height limits. The proposed height limits would not allow any greater heights than currently allowed by the Marina PDO, and would actually lower the required heights on one block. Thus, as proposed, the height limits in the Centre City PDO would not be completely consistent with those allowed in the existing Marina PDO. Specifically, on the two blocks bounded by Harbor Drive, Pacific Highway, F Street, and California, the existing Marina PDO designates the height limit for the southern block at 160 feet, and the northern block at 120 feet, but with an exception that would allow buildings on both blocks to increase in height without any upper maximum. But the proposed Centre City height limit for the southern block would be 160 feet and 120 feet for the northern block, without allowing for any exceptions. Similarly, on the block bounded by Harbor Drive, California, G Street, and Kettner, the existing Marina PDO designates the height as 120 feet, with the same exception allowing no upper height limit. The proposed Centre City height limit for this block would be 500 feet, no exceptions. Thus, as proposed, the amendment would create an inconsistency between the two PDOs such that the Marina PDO would not be able to adequately and accurately implement the Community Plan, and therefore, must be denied.

## **PART VII. FINDINGS FOR APPROVAL OF THE CITY OF SAN DIEGO IMPLEMENTATION PLAN AMENDMENT, IF MODIFIED**

The majority of the proposed amendment to the Centre City PDO and Marina PDO is consistent with the policies of the Coastal Act. The plan is largely consistent with the proposed PMPA #27, which if certified by the Commission, will be the standard of review for the majority of the North Embarcadero area.

The two references in the proposed PDO inaccurately describe the standard of review for development at the County Administration Center. When the Centre City Implementation Plan was approved by the Commission in 1988, certification of the County Administration Center site was deferred and remains with the Commission's jurisdiction. Any development on the site subject to the Chapter 3 policies of the Coastal Act, not the PDO. Therefore, Suggested Modifications #5 and #6 revises both the

proposed text and Figure 1 of the PDO in order to correctly identify the County Administration Center as an area of deferred certification.

The amendment involves a number of changes to the required setbacks on designated view corridors. Specifically, the setback on Broadway, west of Kettner, would be reduced from 50 feet to 40 feet. (Because the setback elevation in this area is "ground level", this setback would traditionally be described as a set back.) However, 40 feet is still a significantly larger setback or setback than required on any other view corridor street in Center City. Most of the streets currently are required to provide 25 or 15-foot setbacks. The reduction in setback from 50 to 40 feet is not expected to have a significant adverse impact on public views.

The other changes proposed are to reduce the setback west of California on E, F, and G Streets from 25 feet to 15 feet. This would allow for larger bulkier buildings and could impact public views on these streets. However, the amendment also requires that the setback elevation be lowered from 50 feet to 30 feet. Thus, although the building can be bulkier, the setback must begin at a lower elevation, which should offset any impacts to bulk and scale or view blockage.

The revisions to the Community Plan would allow the elevation at which setbacks must be provided to range anywhere from 50 feet to 30 feet. The PDO is stricter, requiring a 30-foot setback elevation. As discussed above, the PDO can be stricter or more specific than the Community Plan. As long as the PDO does not allow something different than the Community Plan, the PDO can be found adequate to implement the goals of the Community Plan. In this case, the revisions to the setbacks in PDO can be found consistent with and adequate to carry out the Community Plan, with one modification. The proposed amendment to the Community Plan would increase the required setback on C Street west of California from 15 feet to 25 feet. The City has not proposed making this same revision to the PDO, which would still require a 15-foot setback in this location. Therefore, Suggested Modification #9 revises the PDO to require a 25-foot setback on C Street west of California. As modified, the PDO will implement the Community Plan and the visual protection policies of the Coastal Act.

The proposed PDO amendment would eliminate the existing parking maximums contained in the PDO for the North Embarcadero Overlay District. The parking maximums were intended to promote the use of transit and the construction of new transit facilities in the downtown area. However, although the promotion of transit continues to be a goal of the City, to avoid impacts to public access, the City has added parking requirements for all new development in the North Embarcadero Overlay District. The parking standards proposed are generally consistent with the requirements of other coastal cities in the San Diego region. The proposed hotel parking requirement of .5 spaces per hotel room is less than the 1 space room that the Commission has typically required. However, the standard would most likely result in more parking than under the current PDO, which *prohibits* the provision of more than .7 parking spaces per room. More importantly, the North Embarcadero area is a densely developed downtown area with reasonably good transit facilities including buses, train, trolley, and airport shuttles. In addition, the Commission has previously found that the shared parking standards in the

City's Land Development Code, (which would apply in the North Embarcadero Area where less than the proposed parking minimums), are adequate. Thus, the provision of only .5 spaces per hotel room in the limited North Embarcadero corridor covered by the amendment is not expected to have any adverse impact on public access.

As discussed above, the proposed new Figure 4, Building Height-North Embarcadero, includes height limits for areas within the Port District's permit jurisdiction. However, as proposed, the figure is not entirely consistent with the proposed heights contained in the proposed PMPA #27. To resolve the inconsistency, the City has agreed that it would be appropriate to remove the proposed height designations from all of the locations that are not within the City's coastal permit jurisdiction. Therefore, Suggested Modification #7 removes all of the height designations from the proposed Figure 4 west of Pacific Highway.

The only remaining height limits proposed are located on the one-block wide area between Pacific Highway and California Street. These limits have been designed to be consistent with the goals of the proposed plan that development along shoreline and Harbor Drive "be low in scale and intensity and increase in stepped building envelopes further upland...this concept of 'stepped intensity and scale' will be implemented through floor area ratios (FARs) and other development characteristics..." No revisions to the existing FARs are proposed. Currently, there are no height limits in the Centre City PDO. Thus, the proposed height limits could potentially affect the appearance of new buildings (with an upper height limit, a building would have to be bulkier to achieve the same FAR as a taller building), but as discussed, the proposed view corridor stepbacks, as modified, will adequately protect the visual quality of the area consistent with the proposed Community Plan.

The new height limits would also affect four blocks in the Marina PDO which do currently have height limits. The proposed height limits would not allow any greater heights than currently allowed by the Marina PDO, and would actually lower the required heights on one block. Thus, as proposed, the height limits in the Centre City PDO would not be completely consistent with those allowed in the existing Marina PDO. Therefore, Suggested Modification #11 adds a section to the Marina PDO clarifying that the height exceptions allowed in the Marina PDO cannot exceed the height limits contained in the Centre City PDO for this area. Thus, the two PDOs will not conflict and can be found adequate to carry out the Community Plan.

The PDO involves only two changes to allowable uses in the North Embarcadero Overlay District. "Research & Development Services" and "Wholesaling, Distribution & Storage" would be added as allowable uses in the "Recreation/Visitor/Marine" Land Use District. Only a very small area of the Recreation/Visitor/Marine Land Use District is actually within the City's coastal permit jurisdiction, although the designation is applied to the entire waterfront area downtown. Research and development services could allow a wide range of office type uses not typically permitted in visitor-serving designated areas, which are reserved for uses such as public areas, restaurant, overnight accommodations, and other visitor oriented development. Thus, Suggested Modification

#10 removes Research & Development Services as a permitted use in the Recreation/Visitor/Marine Land Use District.

Although wholesaling, distribution, and storage are also not typical visitor-serving uses, in this particular case, the downtown waterfront area has traditionally served as a distribution point for goods and services. In particular, shipping and cargo associated with the Port and San Diego Bay has led to the development of rail transit lines and other infrastructure associated with the circulation of goods. Thus, the proposed land use can be found consistent with the policies of the Centre City Community Plan.

Suggested Modification #8 corrects a printing error on the proposed Figure 9, Waterfront District, to graphically depict both the existing Waterfront District and the proposed North Embarcadero Overlay District.

In summary, suggested modifications to the PDO are required to correctly identify the status of the County Administration Center, and to make minor corrections and modifications to the Building Height and Waterfront Districts figures. Changes in the stepback requirement for C Street west of California will ensure the PDO is consistent with the provisions of the stepback requirements in the Community Plan. The removal of Research & Development as a permitted use will ensure that uses inconsistent with the Waterfront District are not permitted. Therefore, as modified, the PDO can be found adequate to carry out the provisions of the Community Plan.

## **PART VII. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Section 21080.5 of the California Environmental Quality Act (CEQA) exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its local coastal program. Instead, the CEQA responsibilities are assigned to the Coastal Commission and the Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP.

Nevertheless, the Commission is required in an LCP submittal or, as in this case, an LCP amendment submittal, to find that the LCP, or LCP, as amended, does conform with CEQA provisions. As discussed above, as modified, the amendment can be found fully consistent with the resource protection, public access and recreation, and visual protection policies of the Coastal Act. As modified, the implementation plan will be adequate to carry out and implement the certified land use plan. No impacts to coastal resources are anticipated.